

APPEAL NO. 021321
FILED JULY 18, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on April 17, 2002. With respect to the issues before her, the hearing officer determined that the appellant's (claimant) compensable injury of _____, extended to his right foot but that it did not extend to the cervical or lumbar spine, and that he had disability, as a result of his compensable injury, from _____ to September 12, 2001, and on September 14, 2001. In his appeal, the claimant argues that the hearing officer's determination that his compensable injury did not extend to the cervical or lumbar spine is against the great weight of the evidence. In its response to the claimant's appeal, the respondent (self-insured) urges affirmance. The claimant did not appeal the hearing officer's determination that he did not have disability from September 15, 2001, through the date of the hearing and that determination has, therefore, become final. Section 410.169.

DECISION

Affirmed.

The hearing officer did not err in determining that the claimant's compensable injury does not extend to or include his cervical or lumbar spine. That issue presented a question of fact for the hearing officer. Texas Workers' Compensation Commission Appeal No. 93613, decided August 24, 1993. Section 410.165(a) provides that the hearing officer is the sole judge of the weight and credibility of the evidence. As the fact finder, the hearing officer resolves the conflicts and inconsistencies in the evidence and determines what facts the evidence has established. Garza v. Commercial Ins. Co., 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ). The hearing officer was acting within her province as the finder of fact in resolving the conflicts and inconsistencies in the evidence in favor of the self-insured. Nothing in our review of the record demonstrates that the challenged determination is so against the great weight of the evidence as to be clearly wrong or manifestly unjust. Accordingly, no sound basis exists for us to disturb that determination on appeal. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The hearing officer's decision and order are affirmed.

The true corporate name of the self-insured is (**SELF-INSURED**) and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEM
350 NORTH ST. PAUL STREET
DALLAS, TEXAS 75201.**

Elaine M. Chaney
Appeals Judge

CONCUR:

Susan M. Kelley
Appeals Judge

Thomas A. Knapp
Appeals Judge